

# **Exhibit 2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE DIVISION

B.P., H.A., and S.H., )  
individually, and on behalf )  
of all others similarly )  
situated, )  
                            )  
                            Plaintiffs, )  
                            )  
                            )  
v.                         )                  No. 2:23-CV-00071  
                            )                  TRM-JEM  
City of Johnson City, )  
Tennessee, et al, )  
                            )  
                            Defendants. )

\* \* \* \* \*

VIDEO DEPOSITION OF DAVID HILTON

August 8, 2024

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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JEFF RUSK COURT REPORTING & VIDEO

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24      Videographer: Chris Rusk

25

1       the case notes, search warrants.

2           Q.       **Were they your case notes?**

3           A.       Some were.

4           Q.       **Were they search warrants that you**  
5       **executed?**

6                   MR. GREPPIN: Object to the form of  
7                   the question.

8                   Go ahead.

9                   By you, do you mean him personally  
10                  or the department? When you said you --

11                  MR. OSBORNE: I understand. It  
12                  seems pretty clear. I was talking about  
13                  you, him. Nobody else would --

14                  MR. GREPPIN: Okay.

15                  Q.       **(BY MR. OSBORNE) Was it you**  
16       **individually that executed the search warrants that**  
17       **you looked at?**

18                  A.       I was present when some of them  
19                  were executed.

20                  Q.       **Are you distinguishing between**  
21       **being present and executing? Are those two**  
22       **different things?**

23                  MR. GREPPIN: I'll object to the  
24                  form to the extent that it calls for legal  
25                  conclusions.

1                   the record. The time is 11:17 a.m. Eastern  
2                   time.

3                   MR. OSBORNE: Okay. Back on the  
4                   record.

5 BY MR. OSBORNE:

6 Q.               **Let's talk about phone bills.**

7 A.               Okay.

8 Q.               **Do you use your personal phone for  
9 work calls?**

10 A.               Occasionally.

11 Q.               **As far as you know, does that  
12 violate any policies, or is that allowed?**

13 A.               It's allowed.

14 Q.               **Do you delete work calls from your  
15 call logs on your personal cell phone?**

16 A.               Not that I know of. I don't recall  
17 ever doing that.

18 Q.               Okay. Do you know if you've ever  
19 deleted text messages that relate to work from your  
20 personal cell phone?

21 A.               Not that I'm aware of.

22 Q.               **Do you know if doing that would be  
23 a violation of JCPD policy?**

24                   MR. GREPPIN: I'll object to the  
25 form of the question.

1 A. I don't know.

2 Q. (BY MR. OSBORNE) Okay. Looking at  
3 Exhibit 211 -- actually taking a step back.

4 Have you ever had any training with  
5 respect to your work at JCPD about what you're  
6 supposed to keep and what you're allowed to delete  
7 from your own devices?

8 A. Not that I can recall.

9 Q. I'm going to go through some  
10 people.

11 Do you have any of these people --  
12 we'll just go one by one -- as contacts in your  
13 personal cell phone?

14 Karl Turner?

15 A. Current? Like now or ever?

16 Q. Ever.

17 A. Yes.

18 Q. Okay. Now?

19 A. I think the number is -- the  
20 contact is probably still there. I'm sure -- I  
21 don't know what number I had for him.

22 Q. Okay. Kevin Peters?

23 A. Yes.

24 Q. Presently?

25 A. Yes.

1	Q.	<b>Toma Sparks?</b>
2	A.	Yes.
3	Q.	<b>Justin Jenkins?</b>
4	A.	Yes.
5	Q.	<b>Officer Higgins?</b>
6	A.	Yes.
7	Q.	<b>Legault?</b>
8	A.	Yes.
9	Q.	<b>Cathy Ball?</b>
10	A.	Don't think so.
11	Q.	<b>John -- sorry?</b>
12	A.	I don't think so.
13	Q.	<b>Okay. John Hames?</b>
14	A.	I don't know.
15	Q.	<b>Steve Finney?</b>
16	A.	Yes.
17	Q.	<b>Jeff Keeling?</b>
18	A.	Jeff who?
19	Q.	<b>Keeling.</b>
20	A.	No.
21	Q.	<b>Journalist?</b>
22	A.	No.
23	Q.	<b>Erick Herrin?</b>
24	A.	We're' on my personal phone,
25		correct?

1 Q. Personal phone.

2 A. No.

3 Q. Okay. Exhibit 211 is a three-page  
4 document.

5 Could you turn to Page 3?

6 Would you say you use your personal  
7 phone for your official calls, your work-related  
8 calls, more than you use your JCPD-issued phone?

9 A. I don't know that I would say it's  
10 more. I don't know how to answer that. I don't --

11 Q. So I'm looking at this little  
12 section of time here on Page 3.

13 From October 1st to October 15th,  
14 this is your work line.

15 A. Uh-huh.

16 Q. There's only five phone calls --

17 A. Uh-huh.

18 Q. -- on your work line.

19 MR. HERRIN: What year are we  
20 talking about here?

21 MR. OSBORNE: Oh, this is, as I  
22 understand it -- and that's a good question,  
23 because this bill doesn't actually say.

24 I understand that this was back in  
25 2019 or '20?

1 MS. BAEHR-JONES: 2020.

2 MR. OSBORNE: 2020.

3 A. Okay.

4 Q. (BY MR. OSBORNE) Okay. We'll come  
5 back to this one. So just keep it handy.

6 Do you know what the -- what ICAC  
7 is, Internet Crimes Against Children Task Force  
8 Program, ICAC?

9 A. Heard of it.

10 Q. Okay. What can you tell me about  
11 it? What do you know about it?

12 A. That it's the -- from my  
13 understanding, they send agencies -- I don't know.  
14 I don't know how to explain it. I think they would  
15 forward information that they might think is  
16 suspicious to agencies, to law enforcement agencies.

17 Q. Okay. Do you know what ICAC COPS  
18 is?

19 And the COPS is C-O-P-S, standing  
20 for Child Online Protection Program.

21 A. Can you say that again?

22 Q. Yeah.

23 Do you know what ICAC COPS is?

24 A. I don't think so.

25 Q. Okay.

1 and we'll look at some documents. This is not a  
2 memory test.

3 But before we look at the  
4 documents, what can you remember about how you found  
5 out about the fall that night?

6 A. I received a phone call.

7 Q. Okay. Do you know who from?

8 A. I believe it was Investigator  
9 Sparks.

10 Q. Any idea like what time it was?  
11 Did it wake you up?

12 A. Yes.

13 Q. Okay. Let's do this. We're going  
14 to -- I'm going to play A911 phone call recording.  
15 It's a little long. A lot of it is what you would  
16 expect, just lots of chatter and things. I'll ask  
17 you some questions about it. If you need to go back  
18 at any point to listen to something again, just let  
19 me know. We'll listen to the whole thing.

20 And one thing that I'd like you to  
21 do is, if you can, if you can identify any of the  
22 people who are speaking by their voice, just try to  
23 make a note of it, and I'll ask you some questions.

24 A. Okay. It could have been 911 who  
25 called me. I do not -- I believe it was

1      Investigator Sparks.

2            Q.            Yeah. You've made it very clear  
3      that you don't have a real sharp memory on that, and  
4      that's perfectly understandable.

5            A.            Okay.

6                        MR. OSBORNE: All right. And what  
7      we'll do is we'll mark this -- so we'll mark  
8      this piece of paper as Exhibit 213.

9                        (Exhibit 213 marked).

10          Q.            (BY MR. OSBORNE) That's going to  
11      represent the phone call, and this is Bates  
12      CITY-77349.

13                        MR. OSBORNE: I don't need you to  
14      transcribe the recording.

15                        COURT REPORTER: Okay. Yeah, I'll  
16      just put it was played for The witness.

17                        MR. OSBORNE: Thank you.

18                        (Audio playing).

19                        MR. OSBORNE: I'm stopping the  
20      recording just because it seems like there's  
21      some loss.

22                        (Audio playing).

23                        MR. OSBORNE: We're going to play  
24      it, play the whole thing.

25          Q.            (BY MR. OSBORNE) Do you want to

1 pause?

2                   A.           Are you wanting me to say if I  
3 recognize a voice?

4 Q. Do you?

5 A. Yeah.

6 Q. Go for it.

7 A. That was Mike Adams.

8 Q. Okay.

9 A. Captain Adams.

10 Q. Okay. That was the person who  
11 said, "The number I have is not answering," that was  
12 Mike Adams?

13 A. Yes.

14 Q. Okay. I think we're -- I think he  
15 may still be speaking. So I'm going to play again.

16 (Audio playing).

17                   A.           I believe that's Officer Jeff  
18       Stork, K-9 Officer Stork. K-91.

19 MS. TAYLOR: I'm sorry.

20 THE WITNESS: I believe that was  
21 K-91, Officer Jeff Stork.

22 Q. (BY MR. OSBORNE) And that was --  
23 actually, I didn't catch anything that he said. I'm  
24 going to play back like a couple of seconds just to  
25 get a blurb so we can pinpoint where in the call

1 that is for the record.

2 (Audio playing).

3 Q. (BY MR. OSBORNE) He said, "120 to  
4 K-91."

5                   A.           That's -- Captain Adams is 120, to  
6 K-91. K-91 is Officer Stork.

7 Q. And the voice that you hear there,  
8 do you believe that's Mike Adams or Officer Stork?

9 A. That's Adams.

10 Q. Got it.

11 A. And was there a response from --  
12 can we play that again?

13 Q. Sure.

14 (Audio playing).

15 Q. (BY MR. OSBORNE) "Go ahead" is  
16 Stork?

17 A. Yes.

18 Q. Got it. Thank you.

19 MR. OSBORNE: And just for the  
20 record, in the recording we're at about six  
21 minutes and 50 seconds at that point. The  
22 prior voice that was identified as Mike  
23 Adams was at around five minutes and 35  
24 seconds into the recording.

25 Okay. Let's go ahead and finish.

1 (Audio playing).

2 Q. (BY MR. OSBORNE) Do you know who  
3 those two people are? Was that Stork and Adams  
4 again?

5 A. I believe so.

6 Q. Okay. And that, for the record,  
7 again, is about seven minutes, ten seconds.

8 (Audio playing).

9 A. So some of the -- one number -- I  
10 don't know the numbers. I would be speculating, I  
11 think, if I said who I thought they were.

12 Q. (BY MR. OSBORNE) Okay. 120 was  
13 Mike Adams.

14 A. Yes.

15 Q. 164?

16 A. I don't know. I've got an idea who  
17 I might think it is, but I can't --

18 Q. Who do you think it is?

19 A. I think it is officer Paul Miller.

20 Q. Okay. There's also a repeated  
21 number that I heard, 123, and that could be -- I  
22 interpreted that, maybe I'm wrong, as a sick or  
23 injured person, just police code.

24 Is that --

25 A. 123?

1 Q. Uh-huh.

2 A. No.

3 Q. Is 123 an officer?

4 A. Yes. So, yes, the way our -- I  
5 don't know what you would call it. Our call signs  
6 are set up is 110 -- each platoon -- there's five  
7 platoons. But the four, one through four are the  
8 main platoons that work patrol. And so each  
9 platoon, Platoon 1 starts with a 1. The first  
10 number is the platoon, and then the second number is  
11 the zone, and then the third number is the unit in  
12 that zone.

13 We used to have what's called -- I  
14 think it's called DPA's, Designated Patrol Areas,  
15 and that's the way dispatch would dispatch us.

16 So -- but supervisors, 110 is the  
17 captain on the shift. 120 would be the lieutenant  
18 on the shift. 130 and 140 would be the sergeants on  
19 the shift, and then you have K-91. I know that to  
20 be Jeff Stork.

21 But as far as the other numbers, I  
22 don't -- they're hard to put voices with numbers,  
23 and I don't know their -- their numbers. But that  
24 person sounded like Paul Miller.

25 Q. Paul Miller.

1 A. I don't -- I don't know for sure.

2 Q. Thank you.

3 All right. We've only got like a  
4 minute or so left. So let's just wrap it up. And,  
5 of course, tell me if you need me to stop.

6 (Audio playing).

7 A. I couldn't hear.

8 Q. (BY MR. OSBORNE) Do you want to  
9 hear it again?

10 A. Yeah, I couldn't -- I couldn't hear  
11 it.

12 (Audio playing).

13 A. That, I don't -- whatever that was,  
14 I couldn't hear it.

15 (Audio playing).

16 Q. (BY MR. OSBORNE) All right. One  
17 thing I did want to ask you about, Mike Adams -- and  
18 I typed what he said. He says, "The number I have  
19 is not answering," which I think is in reference to  
20 you, "if you've got a work cell." And then the  
21 response is █ 4815.

22 So █ 4815, that is your work  
23 cell, right?

24 A. Correct.

25 Q. Do you know, did Mike Adams only

1 have your personal cell at that point?

2 A. I don't know what he had.

3 Q. Okay. And then I also noticed --  
4 and this may have been Stork or someone else,  
5 someone says, "Keep the phone as evidence."

6 I think that's a conversation  
7 between Stork and Adams. And he says, "Don't let  
8 him be talking on the phone."

9 Did you hear that?

10 A. Yes.

11 Q. Okay. And then the response, which  
12 I believe comes from Stork, is, "I've secured the  
13 phone."

14 Did you hear that, too?

15 A. Something to that effect.

16 Q. All right. Let's take a look at  
17 this phone bill.

18 We've got numbers. Here on the  
19 first page there is the first call, 2:42 a.m., 9/19.  
20 The number is [REDACTED] 5891. And I'll just  
21 represent to you that we have records that show that  
22 that was Mike Adams.

23 So if that lines up with what  
24 you're saying, there was an incoming call from Mike  
25 Adams at 42 -- pardon me -- 2:42 a.m.

1                           Can you see that?

2                           A.                 I do.

3                           Q.                 Okay. Do you remember if Mike  
4 Adams called you around 2:42 a.m.?

5                           A.                 I don't know who called me. I  
6 thought it was Toma.

7                           Q.                 Okay. That's fine. The only  
8 reason that I'm asking is because it seems like  
9 these line up with what you're saying. I just want  
10 to confirm.

11                          The next few calls there are made  
12 at 4:37 a.m. 4:49 a.m., 4:50 -- sorry, 5:40 a.m.,  
13 all to the same number, the number ending in 5896.

14                          And, again, I'll just represent for  
15 the record, that's Peters' number.

16                          So do you recall calling Captain  
17 Peters that night?

18                          A.                 I recall -- yeah, I recall making  
19 phone calls to him.

20                          Q.                 What were you talking to Captain  
21 Peters about?

22                          A.                 Telling him what was going on.

23                          Q.                 Okay.

24                          A.                 I can't -- I don't remember  
25 specific details from the conversation.

1                   Q.           All right. Do you -- do you recall  
2 talking to him at all about the video cameras that  
3 were in Williams' home, in his apartment that night?

4                   A.           I don't recall specifically talking  
5 about those.

6                   Q.           Okay. Do you know what an Arlo  
7 camera is?

8                   A.           Yes.

9                   Q.           All right. Do you know if you  
10 talked to Peters that night about Arlo cameras?  
11                                 I'm just seeing if this refreshes  
12 your recollection. If it doesn't, it doesn't.

13                   A.           I can't say that I remember that.

14                   Q.           Okay. Oh, there was one other  
15 thing I wanted to ask you.

16                                 Was Toma Sparks on duty that night?

17                   A.           He was the on-call investigator, is  
18 what I remember.

19                   Q.           Do you know if Justin Jenkins was  
20 also on call that night?

21                   A.           I do not. Only one investigator is  
22 on call at a time.

23                                 I can speculate as to why if he  
24 was, what that was.

25                   Q.           You can explain why that might have

1 been the case, but I don't want you to guess about  
2 things you don't know.

3 Can you say why that might have  
4 been the case?

5                   A.           Yes.   Investigator Jenkins was new  
6   to -- fairly new to CID, and he was -- we would  
7   normally have new investigators be on call with  
8   another investigator.

9 Q. Was Adams on duty that night?

10 A. Who?

11 Q. Mike Adams.

12 A. I believe he was on patrol.

13 Q. On patrol.

14 Do you recall hearing somebody say  
15 in the phone call, "I'm up in the apartment"?

16                   A.           Yes, I believe so. Something to  
17   that -- to that effect.

18 Q. Do you know if Stork at any point  
19 entered up into the apartment?

20 A. That sounds familiar. I can't -- I  
21 think that was him on there that said that.

22 Q. All right. There was also a  
23 reference to a change in policy on phones.

24 Do you remember that in the early  
25 part? It was around the time Mike Adams was asking

1 for your work phone.

2 Did you hear that?

### 3 A. A change in policy?

4 Q. Yeah.

5 MR. OSBORNE: Let's -- so can you  
6 play it again? It's about 5:20 or so.

7 (Audio playing).

8 Q. (BY MR. OSBORNE) Did you hear that?  
9 "There's a change in policy, they  
10 want us calling them to you."

11 Did you hear that?

12 A. I couldn't understand.

13 Q. That's how I heard it.

13 Q. That's how I heard it. It's tough  
14 to hear it.

18 A. Yes.

19 Q. What was the change in policy?

20                   A.           I think they were supposed --  
21   rather than calling the -- it was around that time.  
22   I'm speculating as to what she's talking about, if  
23   that -- if that's what you want.

24 Q. No. I want to know what the change  
25 of policy was, not what she was talking about.

1                   A.           That a supervisor was supposed to  
2 be called before, instead of just calling the  
3 investigator in.

4 Q. Okay. Do you know why that policy  
5 was changed?

6 I'm going to rephrase the question.

9                   A.               I think some investigators were  
10          called out on maybe some things that maybe they  
11          shouldn't have been called out on. And to keep from  
12          that happening, I think that's -- that was the  
13          purpose.

14 Q. So they changed the policy.

15 MR. OSBORNE: All right. We'll  
16 mark this Exhibit 214.

17 (Exhibit 214 marked).

18 Q. (BY MR. OSBORNE) Okay. 214 is an  
19 email from you to a number of people. I think we  
20 handwrote the Bates up in the top of this one just  
21 because it didn't appear in every law production we  
22 printed.

23 Go ahead and take a minute and read  
24 it.

25 And I'll just ask, before we get

1       started, was this one of the documents that you read  
2       to prepare for today's deposition?

3                   A.           Yes.

4                   Q.           Okay. Do you need to read it, or  
5       are you already familiar with it?

6                   A.           I may refer to it after your  
7       question.

8                   Q.           That's fine.

9                   A.           If you want to give me a minute, I  
10      will read it.

11                  Q.           Go ahead.

12                  A.           Okay.

13                  Q.           We're not in a hurry.

14                  A.           Okay.

15                  Q.           Okay. So did you write this email?

16                  A.           I believe so.

17                  Q.           Thanks. Let's go on and confirm --  
18      the time stamps on email sometimes are bizarre.  
19      They might use like Greenwich Mean Time or  
20      Universal.

21                           Do you actually know what time you  
22      sent this email, ballpark?

23                  A.           It was in the afternoon, I believe.

24                  Q.           All right.

25                  A.           And I'm just trying to do the math

1 here.

2 Q. Sure.

3 A. It's not computing.

4 Q. And it was on the 19th of  
5 September, 2020, right?

6 A. Yes.

7 Q. Which was a Saturday?

8 A. Correct.

9 Q. Okay. I'm going to go through some  
10 of the content and just ask you some questions about  
11 it.

12 The first is, "Platoon 1 officers  
13 were flagged down in reference to a female that  
14 fell."

15 What does that mean, flagged down?

16 A. Like they were like, "Hey, help."  
17 Somebody waved them down.

18 Q. Was that the -- insofar as you  
19 know, was that the way that any law enforcement  
20 first found out about this?

21 A. As far as I know. I mean, I  
22 don't -- I can't go back in my memory and see and  
23 think how did they find out.

24 Q. I'm going to -- I'm going to ask  
25 sort of a preface question about this email.

3 A. Yes.

4 Q. You weren't making stuff up. You  
5 weren't guessing. At the time that you wrote the  
6 email, you were writing it to the best of what you  
7 knew at the time.

8 A. Correct.

9 Q. And the information that you put in  
10 here, you did your best to make sure that it was  
11 accurate, correct?

12 A. Yes.

13 Q. Okay. So I apologize. Platoon 1,  
14 you said there were ten different platoons or four  
15 platoons?

16                   A.               There are four patrol platoons, and  
17   then there's a Platoon 5 that does different  
18   functions.

19 Q. And the different platoons -- let's  
20 see.

21                           Were you, at the time -- let's see.  
22 You were a sergeant, right?

23 A. Yes.

24 Q. Were you sergeant for Platoon 1 at  
25 the time?

1 A. No.

2 Q. What were you?

3 A. I was a sergeant in CID.

4 Q. In CID. I see. Okay. Thank you.

5 And were there officers on Platoon

6 1 who were your reports? You were there  
7 supervisors.

8 A. No.

9 Q. Okay. Your reports were all CID  
10 also, correct?

11 A. What do you mean by my reports?

12 Q. The people you had direct  
13 supervision over.

14 A. They were all CID.

15 Q. Okay. And we've already gone  
16 through who you believe those people were.

17 A. Yes.

18 Q. And they included Toma Sparks and  
19 Justin Jenkins, who show up later in here, right?

20 A. Correct.

21 Q. Okay. Do you know which officers  
22 you're referring to when you say that Platoon 1  
23 officers were flagged down?

24 Is the best of your memory that it  
25 was Mike Adams and Jeff Stork?

1                   A.           I have no idea who was flagged  
2                   down.

3                   Q.           **Was Mike Adams in Platoon 1?**

4                   A.           He was.

5                   Q.           **Was Jeff Stork?**

6                   A.           Yes.

7                   Q.           **Okay. Based on what you heard in  
8                   the phone call, and to the best of your memory, were  
9                   Mike Adams and Stork, were they two of the officers  
10                  who were there on the scene that evening?**

11                  A.           Yes. I would say that Jeff Stork  
12                  was there, and it sounded as though Captain Adams  
13                  was there, as well.

14                  Q.           **Okay. About this email, did  
15                  somebody actually instruct you to write this email?  
16                  Did somebody ask for this?**

17                  A.           No. It's a typical of whenever  
18                  we're called out that -- that we send an email.

19                  Q.           **And the information that you've got  
20                  in here, was this information that you got from  
21                  asking folks questions?**

22                  A.           Yes, and them briefing me, letting  
23                  me know what happened.

24                  Q.           **Okay. Did you actually do a --  
25                  besides this email, did you do any other report that**